

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 299
98TH GENERAL ASSEMBLY

Reported from the Committee on Ways and Means, April 23, 2015, with recommendation that the Senate Committee Substitute do pass.

1043S.05C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 32.069, 136.110, 143.801, 143.811, 144.021, 144.044, 144.054, 144.450, and 153.030, RSMo, and to enact in lieu thereof nine new sections relating to taxation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 32.069, 136.110, 143.801, 143.811, 144.021, 144.044, 144.054, 144.450, and 153.030, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 32.069, 136.110, 143.801, 143.811, 144.021, 144.044, 144.054, 144.450, and 153.030, to read as follows:

32.069. 1. Notwithstanding any other provision of law to the contrary, interest shall be allowed and paid on any refund or overpayment at the rate determined by section 32.068 only if the overpayment is not refunded within one hundred twenty days[, or within ninety days in the case of taxes imposed by sections 143.011 and 143.041,] from the latest of the following dates:

(1) The last day prescribed for filing a tax return or refund claim, without regard to any extension of time granted;

(2) The date the return, payment, or claim is filed; or

(3) The date the taxpayer files for a credit or refund and provides accurate and complete documentation to support such claim.

2. Notwithstanding any other provision of law to the contrary, interest shall be allowed and paid on any refund or overpayment at the rate determined by section 32.068 only if the overpayment in the case of taxes imposed by sections 143.011 and 143.041 is not refunded within

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

15 **forty-five days from the date the return or claim is filed.**

136.110. 1. The director of revenue shall promptly record all sums of
2 money collected or received by the director and shall immediately thereafter
3 deposit the same with the state treasurer, excluding all funds received and
4 disbursed by the state on behalf of counties and cities, towns and villages. The
5 state treasurer, upon receipt of any moneys from the director of revenue, shall
6 give his or her receipt therefor, executing the same in triplicate, and shall deliver
7 one copy of such receipt to the director of revenue, one copy to the commissioner
8 of administration, and shall retain the third copy thereof in the files of the state
9 treasurer. The books of the director of revenue shall be audited by the state
10 auditor at such times as may be required by law, and at such other times as may
11 be directed by the governor.

12 **2. For the purposes of this section, the term “promptly” shall**
13 **mean within two business days.**

143.801. 1. A claim for credit or refund of an overpayment of any tax
2 imposed by sections 143.011 to 143.996 shall be filed by the taxpayer within three
3 years from the time the return was filed or two years from the time the tax was
4 paid, whichever of such periods expires the later; or if no return was filed by the
5 taxpayer, within two years from the time the tax was paid. No credit or refund
6 shall be allowed or made after the expiration of the period of limitation prescribed
7 in this subsection for the filing of a claim for credit or refund, unless a claim for
8 credit or refund is filed by the taxpayer within such period.

9 2. If the claim is filed by the taxpayer during the three-year period
10 prescribed in subsection 1 **of this section**, the amount of the credit or refund
11 shall not exceed the portion of the tax paid within the three years immediately
12 preceding the filing of the claim plus the period of any extension of time for filing
13 the return. If the claim is not filed within such three-year period, but is filed
14 within the two-year period, the amount of the credit or refund shall not exceed
15 the portion of the tax paid during the two years immediately preceding the filing
16 of the claim. If no claim is filed, the credit or refund shall not exceed the amount
17 which would be allowable under either of the preceding sentences, as the case
18 may be, if a claim was filed on the date the credit or refund is allowed.

19 3. If pursuant to subsection 6 of section 143.711 an agreement for an
20 extension of the period for assessment of income taxes is made within the period
21 prescribed in subsection 1 of this section for the filing of a claim for credit or
22 refund, the period for filing a claim for credit or for making a credit or refund if

23 no claim is filed, shall not expire prior to six months after the expiration of the
24 period within which an assessment may be made pursuant to the agreement or
25 any extension thereof. The amount of such credit or refund shall not exceed the
26 portion of the tax paid after the execution of the agreement and before the filing
27 of the claim or the making of the credit or refund, as the case may be, plus the
28 portion of the tax paid within the period which would be applicable under
29 subsection 1 of this section if a claim had been filed on the date the agreement
30 was executed.

31 4. If a taxpayer is required by section 143.601 to report a change or
32 correction in federal taxable income reported on his federal income tax return, or
33 to report a change or correction which is treated in the same manner as if it were
34 an overpayment for federal income tax purposes, an amended return or a claim
35 for credit or refund of any resulting overpayment of tax shall be filed by the
36 taxpayer within one year from the time the notice of such change or correction or
37 such amended return was required to be filed with the director of revenue. If the
38 report or amended return required by section 143.601 is not filed within the
39 ninety-day period therein specified, interest on any resulting refund or credit
40 shall cease to accrue after such ninetieth day. The amount of such credit or
41 refund shall not exceed the amount of the reduction in tax attributable to:

42 (1) The issues on which such federal change or correction or the items
43 amended on the taxpayer's amended federal income tax return are based[.]; and

44 (2) Any change in the amount of [his] the taxpayer's federal income tax
45 deduction under the provisions of subsection 1 of section 143.171. No effect shall
46 be given in the preceding sentence to any federal change or correction or to any
47 item on an amended return unless it is timely under the applicable federal period
48 of limitations. The time and amount provisions of this subsection shall be in lieu
49 of any other provisions of this section. This subsection shall not affect the time
50 within which or the amount for which a claim for credit or refund may be filed
51 apart from this subsection.

52 5. If the claim for credit or refund relates to an overpayment of tax on
53 account of the deductibility by the taxpayer of a debt as a debt which became
54 worthless or a loss from worthlessness of a security or the effect that the
55 deductibility of a debt or of a loss has on the application to the taxpayer of a
56 carryover, the claim may be made, under regulations prescribed by the director
57 of revenue within seven years from the date prescribed by law for filing the
58 return for the year with respect to which the claim is made.

59 6. If the claim for credit or refund relates to an overpayment attributable
60 to a net operating loss carryback or a capital loss carryback, in lieu of the three-
61 year period of limitations prescribed in subsection 1 of this section, the period
62 shall be that period which ends with the expiration of the fifteenth day of the
63 fortieth month (or the thirty-ninth month, in the case of a corporation) following
64 the end of the taxable year of the net operating loss or net capital loss which
65 results in such carryback, or the period prescribed in subsection 3 of this section
66 in respect of such taxable year, whichever expires later. In the case of such a
67 claim, the amount of the credit or refund may exceed the portion of the tax paid
68 within the period provided in subsections 2, 3 and 4 of this section, whichever is
69 applicable, to the extent of the amount of the overpayment attributable to such
70 carryback.

71 **7. (1) No period of limitations provided in subsections 1 to 6 of**
72 **this section shall apply if a taxpayer amends, or the federal Internal**
73 **Revenue Service or its successor agency changes the taxpayer's federal**
74 **income tax return for the same tax period and:**

75 **(a) Such amendment or change occurs after any period of**
76 **limitations provided in subsections 1 to 6 of this section has expired;**

77 **(b) Such amendment or change reveals that the taxpayer is**
78 **eligible to claim a credit or refund of an overpayment of any tax**
79 **imposed under this chapter; and**

80 **(c) A period of limitations provided in subsections 1 to 6 of this**
81 **section prohibits the taxpayer from claiming such credit or refund.**

82 **(2) If the taxpayer files a claim for such credit or refund, the**
83 **claim shall be filed in the manner provided in this chapter and shall be**
84 **filed within one year from the time the taxpayer amends or the federal**
85 **Internal Revenue Service changes the taxpayer's federal income tax**
86 **return.**

143.811. 1. Under regulations prescribed by the director of revenue,
2 interest shall be allowed and paid at the rate determined by section 32.065 on
3 any overpayment in respect of the tax imposed by sections 143.011 to 143.996;
4 except that, where the overpayment resulted from the filing of an amendment of
5 the tax by the taxpayer after the last day prescribed for the filing of the return,
6 interest shall be allowed and paid at the rate of six percent per annum. With
7 respect to the part of an overpayment attributable to a deposit made pursuant to
8 subsection 2 of section 143.631, interest shall be paid thereon at the rate in

9 section 32.065 from the date of the deposit to the date of refund. No interest
10 shall be allowed or paid if the amount thereof is less than one dollar.

11 2. For purposes of this section:

12 (1) Any return filed before the last day prescribed for the filing thereof
13 shall be considered as filed on such last day determined without regard to any
14 extension of time granted the taxpayer;

15 (2) Any tax paid by the taxpayer before the last day prescribed for its
16 payment, any income tax withheld from the taxpayer during any calendar year,
17 and any amount paid by the taxpayer as estimated income tax for a taxable year
18 shall be deemed to have been paid by him on the fifteenth day of the fourth
19 month following the close of his taxable year to which such amount constitutes
20 a credit or payment.

21 3. For purposes of this section with respect to any withholding tax:

22 (1) If a return for any period ending with or within a calendar year is filed
23 before April fifteenth of the succeeding calendar year, such return shall be
24 considered filed April fifteenth of such succeeding calendar year; and

25 (2) If a tax with respect to remuneration paid during any period ending
26 with or within a calendar year is paid before April fifteenth of the succeeding
27 calendar year, such tax shall be considered paid on April fifteenth of such
28 succeeding calendar year.

29 4. If any overpayment of tax imposed by sections 143.061 and 143.071 is
30 refunded within four months after the last date prescribed (or permitted by
31 extension of time) for filing the return of such tax or within four months after the
32 return was filed, whichever is later, no interest shall be allowed under this
33 section on overpayment.

34 5. If any overpayment of tax imposed by sections 143.011 and 143.041 is
35 refunded within [ninety] **forty-five** days after the [last date prescribed or
36 permitted by extension of time for filing the return of such tax] **date the return**
37 **or claim is filed**, no interest shall be allowed under this section on
38 overpayment.

39 6. Any overpayment resulting from a carryback, including a net operating
40 loss and a corporate capital loss, shall be deemed not to have been made prior to
41 the close of the taxable year in which the loss arises.

42 7. Any overpayment resulting from a carryback of a tax credit, including
43 but not limited to the tax credits provided in sections 253.557 and 348.432, shall
44 be deemed not to have been made prior to the close of the taxable year in which

45 the tax credit was authorized.

144.021. 1. The purpose and intent of sections 144.010 to 144.510 is to
2 impose a tax upon the privilege of engaging in the business, in this state, of
3 selling tangible personal property and those services listed in section 144.020 and
4 for the privilege of titling new and used motor vehicles, trailers, boats, and
5 outboard motors purchased or acquired for use on the highways or waters of this
6 state which are required to be registered under the laws of the state of
7 Missouri. Except as otherwise provided, the primary tax burden is placed upon
8 the seller making the taxable sales of property or service and is levied at the rate
9 provided for in section 144.020. Excluding subdivision (9) of subsection 1 of
10 section 144.020 and sections 144.070, 144.440 and 144.450, the extent to which
11 a seller is required to collect the tax from the purchaser of the taxable property
12 or service is governed by section 144.285 and in no way affects sections 144.080
13 and 144.100, which require all sellers to report to the director of revenue their
14 "gross receipts", defined herein to mean the aggregate amount of the sales price
15 of all sales at retail, and remit tax at four percent of their gross receipts.

16 **2. If any item of tangible personal property or service**
17 **determined to be taxable under the sales tax law or the compensating**
18 **use tax law is modified by a decision or order of:**

19 **(1) The director of revenue;**

20 **(2) The administrative hearing commission; or**

21 **(3) A court of competent jurisdiction;**

22 **which changes which items of tangible personal property or services**
23 **are taxable, and a reasonable person would not have expected the**
24 **decision or order based solely on prior law or regulation, all affected**
25 **sellers shall be notified by the department of revenue before such**
26 **modification shall take effect for such sellers. Failure of the**
27 **department of revenue to notify a seller shall relieve such seller of**
28 **liability for taxes that would be due under the modification until the**
29 **seller is notified. The waiver of liability for taxes under this subsection**
30 **shall only apply to sellers actively selling the type of tangible personal**
31 **property or service affected by the decision on the date the decision or**
32 **order is made or handed down and shall not apply to any seller that**
33 **has previously remitted tax on the tangible personal property or**
34 **taxable services subject to the decision or order or to any seller that**
35 **had prior notice that the seller must collect and remit the tax.**

36 **3. The notification required by subsection 2 of this section shall**
37 **be delivered by United States mail, electronic mail, or other secure**
38 **electronic means of direct communications. The department of revenue**
39 **shall update its website with information regarding modifications in**
40 **sales tax law but such updates shall not constitute a notification**
41 **required by subsection 2 of this section.**

144.044. 1. As used in this section, the following terms mean:

2 (1) "Sale of a modular unit", a transfer of a modular unit as defined in
3 section 700.010;

4 (2) "Sale of a new manufactured home", a transfer of a manufactured
5 home, as defined in section 700.010, which involves the delivery of the document
6 known as the manufacturer's statement of origin to a person other than a
7 manufactured home dealer, as dealer is defined in section 700.010, for purposes
8 of allowing such person to obtain a title to the manufactured home from the
9 department of revenue of this state or the appropriate agency or officer of any
10 other state;

11 **(3) "Sale of a used manufactured home", any subsequent sale of**
12 **a manufactured home as defined in section 700.010, which does not**
13 **qualify as "new" as defined in subdivision (9) of section 700.010.**

14 2. In the event of the sale of a new manufactured home, forty percent of
15 the purchase price, as defined in section 700.320, shall be considered the sale of
16 a service and not the sale of tangible personal property. In addition to the
17 exemptions granted under the provisions of section 144.030, the sale of services
18 as defined in this section shall be specifically exempted from the provisions of
19 sections 238.235 and 238.410, the local sales tax law as defined in section 32.085,
20 sections 144.010 to 144.525 and 144.600 to [144.745] **144.761**, and from the
21 computation of the tax levied, assessed or payable under sections 238.235 and
22 238.410, the local sales tax law as defined in section 32.085, sections 144.010 to
23 144.525 and 144.600 to [144.745] **144.761**, and section 238.235.

24 3. In the event of the sale of a new modular unit, forty percent of the
25 retail sale of the unit or forty percent of the manufacturer's sales price of the unit
26 if the manufacturer makes a sale to a consumer that is not a retail sale, plus any
27 carrier charge and freight charges shall be considered the sale of a service and
28 sixty percent shall be the retail sale of tangible personal property. In addition
29 to the exemptions granted under the provisions of section 144.030, the sale of
30 services as defined in this section shall be specifically exempted from the

31 provisions of sections 238.235 and 238.410, the local sales tax law as defined in
32 section 32.085, sections 144.010 to 144.525 and 144.600 to [144.745] **144.761**, and
33 from the computation of the tax levied, assessed, or payable under sections
34 238.235 and 238.410, the local sales tax law as defined in section 32.085, sections
35 144.010 to 144.525 and 144.600 to [144.745] **144.761**, and section 238.235.

36 **4. In addition to the exemptions granted under the provisions of**
37 **section 144.030, the sale of a used manufactured home as defined in this**
38 **section shall be specifically exempted from the provisions of sections**
39 **238.235 and 238.410, the local sales tax law as defined in section 32.085,**
40 **sections 144.010 to 144.525 and 144.600 to 144.761, and from the**
41 **computation of the tax levied, assessed, or payable under sections**
42 **238.235 and 238.410, the local sales tax law as defined in section 32.085,**
43 **sections 144.010 to 144.525 and 144.600 to 144.761, and section 238.235.**

144.054. 1. As used in this section, the following terms mean:

2 (1) "Processing", any mode of treatment, act, or series of acts performed
3 upon materials to transform or reduce them to a different state or thing,
4 including treatment necessary to maintain or preserve such processing by the
5 producer at the production facility;

6 (2) "Recovered materials", those materials which have been diverted or
7 removed from the solid waste stream for sale, use, reuse, or recycling, whether
8 or not they require subsequent separation and processing.

9 2. In addition to all other exemptions granted under this chapter, there
10 is hereby specifically exempted from the provisions of sections 144.010 to 144.525
11 and 144.600 to 144.761, and from the computation of the tax levied, assessed, or
12 payable under sections 144.010 to 144.525 and 144.600 to 144.761, electrical
13 energy and gas, whether natural, artificial, or propane, water, coal, and energy
14 sources, chemicals, machinery, equipment, and materials used or consumed in the
15 manufacturing, processing, compounding, mining, or producing of any product, or
16 used or consumed in the processing of recovered materials, or used in research
17 and development related to manufacturing, processing, compounding, mining, or
18 producing any product. The exemptions granted in this subsection shall not
19 apply to local sales taxes as defined in section 32.085 and the provisions of this
20 subsection shall be in addition to any state and local sales tax exemption
21 provided in section 144.030.

22 3. In addition to all other exemptions granted under this chapter, there
23 is hereby specifically exempted from the provisions of sections 144.010 to 144.525

24 and 144.600 to 144.761, and section 238.235, and the local sales tax law as
25 defined in section 32.085, and from the computation of the tax levied, assessed,
26 or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section
27 238.235, and the local sales tax law as defined in section 32.085, all utilities,
28 machinery, and equipment used or consumed directly in television or radio
29 broadcasting and all sales and purchases of tangible personal property, utilities,
30 services, or any other transaction that would otherwise be subject to the state or
31 local sales or use tax when such sales are made to or purchases are made by a
32 contractor for use in fulfillment of any obligation under a defense contract with
33 the United States government, and all sales and leases of tangible personal
34 property by any county, city, incorporated town, or village, provided such sale or
35 lease is authorized under chapter 100, and such transaction is certified for sales
36 tax exemption by the department of economic development, and tangible personal
37 property used for railroad infrastructure brought into this state for processing,
38 fabrication, or other modification for use outside the state in the regular course
39 of business.

40 4. In addition to all other exemptions granted under this chapter, there
41 is hereby specifically exempted from the provisions of sections 144.010 to 144.525
42 and 144.600 to 144.761, and section 238.235, and the local sales tax law as
43 defined in section 32.085, and from the computation of the tax levied, assessed,
44 or payable under sections 144.010 to 144.525 and 144.600 to 144.761, and section
45 238.235, and the local sales tax law as defined in section 32.085, all sales and
46 purchases of tangible personal property, utilities, services, or any other
47 transaction that would otherwise be subject to the state or local sales or use tax
48 when such sales are made to or purchases are made by a private partner for use
49 in completing a project under sections 227.600 to 227.669.

50 **5. In addition to all other exemptions granted under this chapter,**
51 **there is hereby specifically exempted from the provisions of sections**
52 **144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the**
53 **local sales tax law as defined in section 32.085, and from the**
54 **computation of the tax levied, assessed, or payable under sections**
55 **144.010 to 144.525 and 144.600 to 144.761, and section 238.235, and the**
56 **local sales tax law as defined in section 32.085, all materials,**
57 **manufactured goods, machinery and parts, electrical energy and gas,**
58 **whether natural, artificial or propane, water, coal and other energy**
59 **sources, chemicals, soaps, detergents, cleaning and sanitizing agents,**

60 **and other ingredients and materials inserted by commercial or**
61 **industrial laundries to treat, clean, and sanitize textiles in facilities**
62 **which process at least five hundred pounds of textiles per hour and at**
63 **least sixty thousand pounds per week.**

144.450. In order to avoid double taxation under the provisions of sections
2 144.010 to 144.510, any person who purchases a motor vehicle, trailer,
3 manufactured home, boat, or outboard motor in any other state and seeks to
4 register or obtain a certificate of title for it in this state shall be credited with the
5 amount of any sales tax or use tax shown to have been previously paid by him on
6 the purchase price of such motor vehicle, trailer, boat, or outboard motor in such
7 other state. The tax imposed by subdivision (9) of subsection 1 of section 144.020
8 shall not apply:

9 (1) To motor vehicles, trailers, boats, or outboard motors brought into this
10 state by a person moving any such vehicle, trailer, boat, or outboard motor into
11 Missouri from another state who shall have registered and in good faith regularly
12 operated any such motor vehicle, trailer, boat, or outboard motor in such other
13 state at least ninety days prior to the time it is registered in this state;

14 (2) To motor vehicles, trailers, boats, or outboard motors acquired by
15 registered dealers for resale;

16 (3) To motor vehicles, trailers, boats, or outboard motors purchased,
17 owned or used by any religious, charitable or eleemosynary institution for use in
18 the conduct of regular religious, charitable or eleemosynary functions and
19 activities;

20 (4) To motor vehicles owned and used by religious organizations in
21 transferring pupils to and from schools supported by such organization;

22 (5) Where the motor vehicle, trailer, boat, or outboard motor has been
23 acquired by the applicant for a certificate of title therefor by gift or under a will
24 or by inheritance, and the tax hereby imposed has been paid by the donor or
25 decedent;

26 (6) To any motor vehicle, trailer, boat, or outboard motor owned or used
27 by the state of Missouri or any other political subdivision thereof, or by an
28 educational institution supported by public funds; [or]

29 (7) To farm tractors;

30 (8) **To motor vehicles, trailers, boats, or outboard motors owned**
31 **and used by not-for-profit civic, social, service, or fraternal**
32 **organizations in their civic or charitable functions and activities;**

33 **(9) To motor vehicles, trailers, boats, or outboard motors owned**
34 **and used by any private, not-for-profit elementary school, secondary**
35 **school, or institution of higher education in the conduct of their**
36 **educational functions and activities;**

37 **(10) To motor vehicles, trailers, boats, or outboard motors owned**
38 **and used by any elementary school, secondary school, or institution of**
39 **higher education in the conduct of their educational functions and**
40 **activities that are supported by public funds; or**

41 **(11) To any transfer of motor vehicles, trailers, boats, or**
42 **outboard motors that is the same type of transfer as set forth in section**
43 **144.617.**

153.030. 1. All bridges over streams dividing this state from any other
2 state owned, used, leased or otherwise controlled by any person, corporation,
3 railroad company or joint stock company, and all bridges across or over navigable
4 streams within this state, where the charge is made for crossing the same, which
5 are now constructed, which are in the course of construction, or which shall
6 hereafter be constructed, and all property, real and tangible personal, owned,
7 used, leased or otherwise controlled by telegraph, telephone, electric power and
8 light companies, electric transmission lines, pipeline companies and express
9 companies shall be subject to taxation for state, county, municipal and other local
10 purposes to the same extent as the property of private persons.

11 2. And taxes levied thereon shall be levied and collected in the manner
12 as is now or may hereafter be provided by law for the taxation of railroad
13 property in this state, and county commissions, county boards of equalization and
14 the state tax commission are hereby required to perform the same duties and are
15 given the same powers, including punitive powers, in assessing, equalizing and
16 adjusting the taxes on the property set forth in this section as the county
17 commissions and boards of equalization and state tax commission have or may
18 hereafter be empowered with, in assessing, equalizing, and adjusting the taxes
19 on railroad property; and an authorized officer of any such bridge, telegraph,
20 telephone, electric power and light companies, electric transmission lines, pipeline
21 companies, or express company or the owner of any such toll bridge, is hereby
22 required to render reports of the property of such bridge, telegraph, telephone,
23 electric power and light companies, electric transmission lines, pipeline
24 companies, or express companies in like manner as the authorized officer of the
25 railroad company is now or may hereafter be required to render for the taxation

26 of railroad property.

27 3. On or before the fifteenth day of April in the year 1946 and each year
28 thereafter an authorized officer of each such company shall furnish the state tax
29 commission and county clerks a report, duly subscribed and sworn to by such
30 authorized officer, which is like in nature and purpose to the reports required of
31 railroads under chapter 151 showing the full amount of all real and tangible
32 personal property owned, used, leased or otherwise controlled by each such
33 company on January first of the year in which the report is due.

34 4. If any telephone company assessed pursuant to chapter 153 has a
35 microwave relay station or stations in a county in which it has no wire mileage
36 but has wire mileage in another county, then, for purposes of apportioning the
37 assessed value of the distributable property of such companies, the straight line
38 distance between such microwave relay stations shall constitute miles of wire. In
39 the event that any public utility company assessed pursuant to this chapter has
40 no distributable property which physically traverses the counties in which it
41 operates, then the assessed value of the distributable property of such company
42 shall be apportioned to the physical location of the distributable property.

43 **5. Notwithstanding any provision of law to the contrary,**
44 **beginning January 1, 2017, a telephone company shall annually be**
45 **assessed using the methodology for property tax purposes, as provided**
46 **for pursuant to this section, or may annually elect to be assessed using**
47 **the methodology for property tax purposes, as provided for pursuant**
48 **to this section, for property consisting of land and buildings, and be**
49 **assessed for all other property exclusively using the methodology**
50 **utilized pursuant to section 137.122. The provisions of this subsection**
51 **shall not be construed to change the original assessment jurisdiction**
52 **of the state tax commission.**

53 **6. Nothing in subsection 5 of this section shall be construed as**
54 **applying to any other utilities.**

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